

**DURHAM CITY COUNCIL WORK SESSION
THURSDAY, SEPTEMBER 9, 2004 – 1:00 P.M.
Committee Room – 2nd Floor – City Hall**

**SUBJECT: REIMBURSEMENT RESOLUTION FOR THE PROPOSED RADIO
SYSTEM UPGRADE**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the above mentioned subject was approved at 1:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution declaring the intent of the City of Durham to reimburse itself for capital expenditures incurred in connection with the upgrading of certain radio and 911 computer systems and the acquisition of a radio tower site from the proceeds of certain tax exempt obligations to be executed and delivered in calendar year 2005 was approved at 1:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9149

SUBJECT: RADIO SYSTEM UPGRADE PURCHASE – MOTOROLA

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the above mentioned subject was approved at 1:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into an agreement with Motorola for the purchase and installation of the SMARTNET 4.1 system upgrade in the amount of \$7.2 million; and

To adopt an ordinance amending general capital improvement project ordinance, Fiscal Year 2004-05, as amended, the same being Ordinance #12972 for the purpose of adding \$7,920,000 to upgrade radio infrastructure; and

To establish a project contingency in the amount of \$720,000 for any unforeseen project related expenses, for a total project cost not to exceed \$7,920,000; and

September 9, 2004

To execute the interlocal agreement with Durham County; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement was approved at 1:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #13005

**SUBJECT: PROPOSED CONDEMNATION OF PROPERTY FOR TURN
LANES ON HIGHWAY 98 – GANYARD FARM, LLC**

To adopt a “Resolution Authorizing Condemnation of Property for the Highway 98 turn lane project”; and

To authorize Ganyard Farm, LLC to settle the condemnation action(s) by payment from its funds of whatever additional sum(s) that Ganyard Farm, LLC finds to be satisfactory on terms and conditions acceptable to Ganyard Farm, LLC and the City Manager in consultation with the City Attorney, provided all monies are paid by Ganyard Farm, LLC; and

To authorize the City Manager to execute the agreement between Ganyard Farm, LLC and the City of Durham on payment of eminent domain expenses; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement; and

To authorize the City Manager to enter into a contract with Lauriette West for the appraiser of condemnation of property for the Highway 98 turn lane project in the amount of \$6, 850; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Sandra Harper of General Services provided council with a revised resolution for their consideration.

September 9, 2004

Mayor Pro Tempore Cole-McFadden stated she was troubled with this condemnation and asked if the project could be done without city involvement.

City/County Planning Director Frank Duke stated probably not.

Discussion was held by the Council on an additional appraisal; the revised resolution dated 9-9-04; and appraisal paid by developer.

Mayor Pro Tempore Cole-McFadden expressed concern with voting on the item at the work session. She noted she would like to see the final numbers.

Lou Goetz, the developer, made comments on just compensation vs. condemnation.

Mayor Bell noted the question is should Council adopt the revised resolution or wait until appraisals are done.

Council Member Catotti suggested that this item be continued until the September 20, 2004 City Council Meeting.

General Services Director Mark Greenspan asked the council to approve the motion authorizing the contract with Lauriette West for the appraisal.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the contract with Lauriette West was approved at 2:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with Lauriette West for the appraiser of condemnation of property for the Highway 98 turn-lane project in the amount of \$6,850; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 2:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

It was noted that the motions 1-4 printed on the agenda will be referred to the September 20, 2004 City Council Meeting.

September 9, 2004

SUBJECT: SALE OF PROPERTY AT 1806 NORTHGATE STREET

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to suspend the rules of the City Council and take action on the above mentioned subject was approved at 3:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: Council Member Stith. Absent: None.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to accept Jean Kibler's offer of \$64,900 to purchase the property at 1806 Northgate Street; and

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed was approved at 3:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: Council Member Stith. Absent: None.

SUBJECT: SALES AND MARKETING FIRM - CENTURY 21 FOUR STAR REALTY – BARNES AVENUE REDEVELOPMENT PROJECT

Discussion was held on why Bob Novak did not submit a proposal during the RFP process regarding this item.

Mr. Novak addressed the Council asking that he be allowed to submit his proposal past the deadline.

Interim City Manager Patrick Baker made comments on the RFP process and the integrity of the process.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to suspend the rules of the City Council and take action on the above mentioned subject was approved at 3:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to execute a contract with Century 21 Four Star Realty to provide marketing activities for the Barnes Avenue Redevelopment project in an amount not to exceed \$25,000 from 1996 Housing Bond funds designated for the Barnes Avenue Initiative; and

To execute a contract with Century 21 Four Star Realty to market and sell forty seven units in the Barnes Avenue Redevelopment project; and

September 9, 2004

To modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 3:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Stith. Noes: Council Member Best. Absent: None.

**SUBJECT: AMENDING GENERAL CAPITAL IMPROVEMENT PROJECT
ORDINANCE FOR HOUSING BOND FUND**

MOTION by Council Member Catotti seconded by Council Member Clement to suspend the rules of the City Council and take action on the above mentioned subject was approved at 4:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: Council Member Stith. Absent: None.

Council Member Stith expressed concern with program income and shifting of funds.

The City Council recommended approving only \$240,000 needed by the Housing Department before September 20, 2004. It was noted that the Housing Department will provide additional information at the September 20th City Council Meeting.

MOTION by Council Member Clement seconded by Council Member Catotti to adopt an ordinance amending General Capital Improvement Project Ordinance, Fiscal Year 2004-05, as amended, the same being Ordinance #12972 for the purpose of recognizing \$240,000 of Program Income from the Housing Bond Fund increasing the appropriation from 48,000,750 to a total appropriation of \$48,240,750 was approved at 4:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Clement. Noes: Council Members Best and Stith. Absent: None.

Ordinance #13004

D. Ann Gray, CMC
City Clerk